



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 19 – THE PRACTICE OF EMPLOYMENT LAW*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Employment Law 2019-2020, 29th edition, Richard Kidner, Oxford University Press, 2019.**
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

Reference: Question relates to **Document 1** of the case study materials.

- (a) Advise Andrew Baker whether his rights have been breached in relation to:
- (i) the mocking of his stammer; **(10 marks)**
 - (ii) the requirement to speak in company meetings. **(8 marks)**
- (b) Advise Andrew Baker of the potential remedies available to him, should he bring a successful claim in an employment tribunal against Mills Ltd.

(7 marks)

(Total: 25 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

Tomas Kershaw has initiated proceedings alleging unfair dismissal.

- (a) Draft an email to Rose Petrillo, explaining:
- (i) whether her reason for dismissing Tomas is legally valid; **(9 marks)**
 - (ii) whether correct procedure was followed in Tomas's dismissal. **(9 marks)**
- (b) Explain to Rose Petrillo the protection offered to employees under a transfer of services and whether she can terminate the contracts of the three new staff.

(9 marks)

(Total: 27 marks)

Question 3

Reference: Question relates to **Document 4** of the case study materials.

Advise Yusuf Quashir:

(a) whether his rights have been breached; **(12 marks)**

(b) on the early conciliation procedure and the type of information contained in the ET1 form. **(8 marks)**

(Total: 20 marks)

Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

(a) Explain to Georgina Kareem whether Clause 14 (as set out at the end of **Document 5**) is likely to be effective. **(7 marks)**

(b) Draft a restrictive covenant of non-dealing. **(11 marks)**

(c) Advise Georgina Kareem as to the requirements for a settlement agreement to be binding and on whether a restriction on 'any future claims' will be valid.

(10 marks)

(Total: 28 marks)

End of Examination Paper

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